

ALLEGED SHIPMENT: On or about March 19, 1945, by the Eppley Pop Corn Co., from Wabash, Ind.

PRODUCT: 123 cartons, each containing 36 8-ounce packages, of popcorn at Schenectady, N. Y. The product contained rodent pellets, rodent hair fragments, and rodent-gnawed kernels.

LABEL, IN PART: "Eppley's Popcorn."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance.

DISPOSITION: October 11, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

10092. Adulteration of granulated rice. U. S. v. 6,076 Bags of Granulated Rice. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 17284. Sample Nos. 13473-H to 13479-H, incl.)

LIBEL FILED: August 31, 1945, Southern District of Ohio.

ALLEGED SHIPMENT: Between the approximate dates of November 14, 1944, and February 13, 1945, by the Champion Rice Mills of Tennessee, from Memphis, Tenn.

PRODUCT: 6,076 100-pound bags of granulated rice at Cincinnati, Ohio.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of beetles, larvae, and insect fragments.

DISPOSITION: October 12, 1945. The Hudepohl Brewing Co., Cincinnati, Ohio, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be cleaned and used in the manufacture of beer or converted into stock feed, under the supervision of the Food and Drug Administration. Subsequently, an amended decree was entered ordering that the product be utilized in the manufacture of alcohol or distilled spirits.

10093. Adulteration of wheat middlings. U. S. v. 420 Bags of Wheat Middlings (and 2 other seizure actions against wheat middlings). Consent decree of condemnation. Product ordered released under bond. (F. D. C. Nos. 17501, 17702, 17703.) Sample Nos. 19271-H, 19272-H, 19902-H.)

LIBELS FILED: Between September 28, 1945, and October 3, 1945, District of Minnesota; amended libel consolidating all three libels filed October 12, 1945.

ALLEGED SHIPMENT: 420 bags shipped by the Hunter Milling Co., from Wellington, Kans., on or about July 23, 1943; 480 bags shipped by the Ismert-Hincke Milling Co., from Topeka, Kans., on or about July 10, 1945; and 500 bags shipped by the International Milling Co., from Davenport, Iowa, on or about June 13, 1945.

PRODUCT: 1,400 140-pound bags of wheat middlings at Minneapolis, Minn.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of larvae, insect fragments, insect excreta, cocoons, webbing, and weevils.

DISPOSITION: October 24, 1945. The Cream of Wheat Corporation, Minneapolis, Minn., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration.

CHOCOLATE, SUGAR, AND RELATED PRODUCTS

CANDY*

10094. Action to enjoin and restrain the interstate shipment of candy. U. S. v. Neil M. Morgan, trading as the Morgan Candy Manufacturing Co., and Mrs. Neil M. Morgan, plant manager. Consent decree granting injunction. (Inj. No. 96.)

COMPLAINT FILED: May 12, 1945, Western District of North Carolina, against Neil M. Morgan, doing business as the Morgan Candy Manufacturing Co., at Hickory, N. C., and Mrs. Neil M. Morgan, plant manager. The complaint

*See also No. 10198.

charged that on or before December 3, 1943, and until May 12, 1945, the defendants had been and were manufacturing under insanitary conditions and shipping in interstate commerce candy which was adulterated and unfit for food.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the candy was adulterated and unfit for food in that it consisted in whole or in part of a filthy substance by reason of the presence of rodent excreta and rodent hair fragments; and, Section 402 (a) (4), it had been manufactured and prepared under insanitary conditions whereby it may have become contaminated with filth, since the building in which the candy was manufactured was heavily infested with rodents.

PRAYER OF COMPLAINT: That the defendants be restrained and enjoined during the pendency of the action and permanently from shipping and causing to be shipped in interstate commerce adulterated candy which had been manufactured or would be manufactured in the future by the defendants.

DISPOSITION: On May 25, 1945, the hearing on the petition for preliminary injunction was set ahead by stipulation entered into between counsel for the Government and the defendants. On June 4, 1945, an answer was filed alleging that Neil M. Morgan was in the armed forces of the United States stationed in the South Pacific, and denying that the court had jurisdiction over him. On June 11, 1945, Mrs. Neil M. Morgan, acting as plant manager and partner of the Morgan Candy Manufacturing Co., having consented to the entry of a decree, an injunction was granted restraining her and all representatives of the company from shipping in interstate commerce adulterated candy which had been manufactured or would be manufactured in the future by the Morgan Candy Manufacturing Co.

10095. Adulteration of candy. U. S. v. 567 Cases of Candy (and 5 other seizure actions against candy). Decrees of condemnation and destruction. Portion of product ordered sold; remainder ordered destroyed or converted into animal feed. (F. D. C. Nos. 17060, 17457, 17490, 17491, 17581, 17697. Sample Nos. 3235-H, 16004-H, 19705-H, 19706-H, 22195-H, 23882-H, 29926-H.)

LIBELS FILED: Between the dates of September 18 and October 5, 1945, District of Minnesota, District of Maryland, Northern District of California, Eastern District of Missouri, Northern District of Texas, and Northern District of Illinois.

ALLEGED SHIPMENT: Between the approximate dates of July 2 and July 18, 1945, by the Standard Candy Co., from Philadelphia, Pa.

PRODUCT: 567 cases, 522 cases, 682 cases, and 785 cases, each containing 15 boxes of 24 candy bars, and 4,629 boxes and 7,715 boxes, each containing 24 candy bars, at San Francisco, Calif., Minneapolis, Minn., Baltimore, Md., Dallas, Tex., St. Louis, Mo., and Chicago, Ill., respectively.

LABEL, IN PART: "Ko-Kets Original Cocoanut Flavored Confection."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of weevils, beetles, moths, larvae, insect fragments, insect excreta, webbing, and rodent hair fragments.

DISPOSITION: Between October 15 and December 14, 1945. The sole intervener for the Chicago lot having consented to the entry of a decree, and no claimant having appeared for the other lots, judgments of condemnation were entered. The St. Louis lot was ordered sold to be denatured for nonhuman consumption; the Baltimore and Dallas lots were ordered delivered to charitable institutions, for use as animal feed; the Minneapolis lot was ordered converted into animal feed or destroyed; and the Chicago and San Francisco lots were ordered destroyed.

10096. Adulteration of candy. U. S. v. 397 Cases of Candy. Consent decree of condemnation. Product ordered destroyed. (F. D. C. No. 17403. Sample Nos. 36368-H to 36370-H, incl.)

LIBEL FILED: On or about September 11, 1945, District of Oregon.

ALLEGED SHIPMENT: On or about May 4, 1945, by the Leading Candy Co., from New York, N. Y.

PRODUCT: 397 cases each containing 20 boxes of 24 candy bars each at Portland, Oreg.